

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
TARRANT DIVISION**

SPJST LODGE #154 & AMERICAN
SOKOL ORGANIZATION,

Plaintiffs,

v.

CENTURY SURETY COMPANY,

Defendant.

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CIVIL ACTION NO. 4:15-cv-710

JURY DEMAND

DEFENDANT CENTURY SURETY COMPANY'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Defendant, **CENTURY SURETY COMPANY**, and files this Notice of Removal and shows the court the following:

I.
INTRODUCTION

1. Plaintiffs are SPJST Lodge #154 and American Sokol Organization. Plaintiffs are both citizens of this state. Defendant is Century Surety Company ("Century"), which is a citizen of Michigan.

2. On August 13, 2015, Plaintiffs sued Century in the 191st Judicial District Court of Dallas County, Texas, in Cause No. DC-15-09192 styled *SPJST Lodge #154 & American Sokol Organization vs. Century Surety Company*, which case is still pending in said court.

3. Century was served with such suit on August 24, 2015. Century files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

II.
BASIS FOR REMOVAL

4. Removal is proper because there is complete diversity between the parties and the amount in controversy exceeds \$75,000. *See* 28 U.S.C. §1332(a). Plaintiffs are corporations whose place of business is located in Fort Worth, Texas. Defendant Century is a foreign corporation organized and existing under the laws of the state of Ohio with its principal place of business in 26255 American Drive, Southfield, Michigan 48034. The amount in controversy exceeds \$75,000 because the Plaintiffs are seeking to recover under the Century insurance policy for “monetary relief of no more than \$74,500” plus “additional damages and penalties,” which includes a request for treble damages under the Texas Insurance Code and Texas Deceptive Trade Practices Act and a request for an 18% penalty under the Texas Insurance Code. Furthermore, Plaintiffs seek to recover from Century all of Plaintiffs’ attorneys’ fees for this case.

5. All pleadings, process, orders and other filings in the state court action will be attached to this notice as required by 28 U.S.C. §1446(a) as follows:

- (a) Civil Docket Sheet dated September 22, 2015;
- (b) Plaintiff’s Original Petition dated August 13, 2015; and,
- (c) Plaintiff’s Civil Cover Sheet dated August 13, 2015
- (d) Citation issued to Century Surety Company dated August 20, 2015
- (e) Defendant Century Surety Company’s Original Answer dated September 14, 2015.

6. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court action where the action has been pending is located in this district.

7. Century will promptly file a copy of this notice of removal with the clerk of the state court where the action has been pending.

III.
PRAYER

WHEREFORE, Defendant, CENTURY SURETY COMPANY, asks the Court to remove the action referred to as Cause No. DC-15-09192 styled *SPJST Lodge #154 & American Sokol Organization vs. Century Surety Company*, in the 191st Judicial District Court of Dallas County, Texas, to this federal court.

Respectfully submitted,

By: s/R. Brent Cooper

R. BRENT COOPER

State Bar No. 04783250

Brent.Cooper@cooperscully.com

ROBERT J. WITMEYER

State Bar No. 24091174

Rob.Witmeyer@cooperscully.com

COOPER & SCULLY, P.C.

Founders Square

900 Jackson Street, Suite 100

Dallas, Texas 75202

Telephone: (214) 712-9500

Telecopy: (214) 712-9540

**ATTORNEYS FOR DEFENDANT CENTURY
SURETY COMPANY**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing document was served through the electronic case filing system (ECF) on the 22nd day of September 2015 to:

Bill L. Voss
Scott G. Hunziker
THE VOSS LAW FIRM, P.C.
26619 Interstate 45
The Woodlands, TX 77380
VIA FACSIMILE 713-861-0021

s/ R. Brent Cooper

R. BRENT COOPER